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TAGS: [PTER](#) [PREL](#) [PGOV](#) [PINR](#) [IR](#) [KDRG](#) [PHUM](#) [KU](#)
SUBJECT: KUWAIT CLAIMS TO BUILD TERRORIST REHAB CENTER,
SEEKS RETURN OF LAST FOUR GTMO DETAINEES

REF: A. 06 KUWAIT 2020
[B. PARTO 000002](#)
[C. 06 KUWAIT 4582](#)
[D. 06 KUWAIT 4429](#)
[E. 08 KUWAIT 1188](#)
[F. 08 KUWAIT 0159](#)
[G. 08 KUWAIT 370](#)
[H. 08 KUWAIT 0508](#)
[I. KUWAIT 110](#)

Classified By: Political Counselor Pete O'Donohue for reasons 1.4 b and d

[1](#). (C) Summary. GOK interlocutors have advised us a long promised rehabilitation center for Islamic extremists -- mentioned by Kuwait's Prime Minister during his September 2008 meeting with Secretary Rice -- has been completed and could soon begin operations. The GOK, under significant domestic pressure, continues to pursue the handover of its four remaining GTMO detainees notwithstanding its embarrassment after one of the eight previously repatriated reportedly perpetrated a suicide attack in Mosul last year and others evaded surveillance. Foreign Minister Shaykh Dr. Mohammed Al Sabah reiterated this desire to the Secretary on April 24. On April 29, Ambassador Khaled Mughames, Director of MFA's Follow-Up and Coordination Department, assured POLCOUNS that the GOK now has the capability to rehabilitate extremists who are returned to it, as well as the ability to detain and monitor them effectively, notwithstanding previous GOK laxity. While the GOK's assurances are doubtless sincere, its actual ability to detain and monitor these individuals remains in serious question. Absent compelling evidence, (which the USG has been unable to provide in earlier cases) the GOK lacks either the political will or the judicial framework to ensure vigorous legal proceedings against GTMO detainees, and only a very limited capacity to rehabilitate or monitor them. This cable provides a brief overview of detainee-related events over the last several years. Ambassador will pursue this matter with the Interior Minister following the May 16 parliamentary elections and formation of a new government. End summary.

Background: Calls for Return of Kuwait's GTMO detainees

[2](#). (C) Upon learning that twelve Kuwaiti citizens were among the enemy combatants captured in Afghanistan by U.S. forces in late 2001, Speaker of the Kuwaiti Parliament Jassem Al-Khorafi in 2002 called on the U.S. to try the prisoners, vowing that Kuwait would support any USG finding on their disposition. In response to domestic pressure, however, the GOK and the Kuwaiti press began gradually to call for their immediate return or release, especially following the 2003 launch of Operation Iraqi Freedom. Growing numbers of Kuwaitis expressed frustration that, Kuwait's support for the U.S. war effort notwithstanding, the GOK was still not

entrusted with its own detainees. In 2004, Kuwaitis were again vexed when British Guantanamo detainees were released while Kuwaiti detainees continued to languish without formal charges being filed. In 2005 and 2006, in response to persistent high-level GOK assurances that these men would be monitored, tried in Kuwaiti courts, and prevented from traveling, the U.S. returned eight of the twelve to Kuwait. Subsequently, GOK officials lamented to emboffs the dearth of evidence provided by the USG to support effective prosecutions (ref A); by March 2007, according to Embassy records, all eight were tried and acquitted of all charges by Kuwaiti courts and then released. Contrary to earlier GOK assurances these individuals would be prevented from traveling outside of Kuwait, several of them were able to do so. In a development that proved embarrassing for the GOK, former GTMO detainee Abdullah Al-Ajmi reportedly was involved in a subsequent suicide bombing in Mosul (see below). Nonetheless, Kuwait's Foreign Minister, noting the President's announcement he would close GTMO by the end of 2009, reiterated to the Secretary April 24 the GOK's request that its four remaining GTMO detainees be returned (ref B).

Background: Disposition of Kuwaiti GTMO Detainees

13. (S) The USG has returned eight of the twelve Kuwaiti detainees; Embassy records indicate that the GOK undertook the following judicial actions in their cases:

--- In January 2005, the DOD transferred Guantanamo detainee Nasser Al-Mutairi (ISN-205) to Kuwait. The GOK commenced

KUWAIT 00000502 002 OF 004

trial proceedings against him in March but released him on bail in April 2005. In June 2005, a court acquitted him of all the charges against him. In November 2005, an appeals court overturned Al-Mutairi's acquittal and sentenced him to five years in prison. However, this finding was overturned by the Court of Cassation (highest level court in Kuwait) in December 2006 and he was acquitted and released (ref C).

--- In November 2005, the DOD transferred Guantanamo detainees Abdullah Al-Ajmi (ISN-220), Abd Al-Aziz Al-Shammeri (ISN-217), Mohammed Fnaitel Al-Daihani (ISN-229), Adel Zamel (ISN-568), and Sa'ad Al-Azmi (ISN-571). Trials for these detainees commenced in March 2006; all five were acquitted by a criminal court judge of all charges in July 2006 and then released. The Public Prosecutor's office in July 2006 announced that it would appeal the court's decision to acquit but allowed the period for filing an appeal to lapse (ref D).

--- In September 2006, following a direct appeal by the Amir to then President Bush at the White House (against the advice of his advisor and half-brother Shaykh Misha'al -- Ref E) the DOD transferred Guantanamo detainees Omar Rajab Amin (ISN-065) and Abdullah Kamel Al-Kandari (ISN-228) to Kuwait. A Kuwaiti criminal court acquitted the pair on all charges and released them in April 2007. These acquittals were upheld by the Court of Cassation in February 2008 (ref F).

-- For a detailed chronology of GTMO-related events, please visit our GTMO timeline on Embassy's website.

Status Updates to GOK

14. (S) Despite GOK assurances that the returned detainees would be prevented from leaving Kuwait, by March 2007 the USG uncovered evidence that Sa'ad Al-Azmi had traveled to Yemen, Adel Zamel to Albania, and Abdullah Al-Ajmi to Syria. In January 2008, NEA/ARP updated Kuwaiti Ambassador Shaykh Salem Al Sabah on the status of the four Kuwaiti citizens still detained at GTMO:

-- Fouad Mahmoud Hasan Al-Rabia (ISN-551), Faiz Mohammed Ahmed Al-Kandari (ISN-552) would likely face a Military

Commission tribunal. No court date had been set. (Note: Embassy is unaware if a court date has yet been set in this case.)

-- Khalid bin Abdullah Mishal Thamer Al-Hameydani (ISN-213) and Fowzi Khalid Abdullah Al-Awadi (ISN-232) would not face trial but were not approved for transfer. (Note: Embassy is unaware of any updates in this case.)

-- In March 2008 a two-person Kuwaiti delegation traveled to GTMO, but all four remaining Kuwaiti detainees refused to meet with them. Also during March, Kuwaiti Amir Shaykh Sabah raised the issue of the remaining GTMO detainees with visiting DHS Secretary Chertoff, assuring him that the GOK would ensure they would no longer pose a threat to U.S. interests. Secretary Chertoff responded by noting U.S. concerns over possible recidivism and the GOK's ability to effectively monitor their activities (ref G).

Background: Al-Ajmi's Suicide Mission in Mosul

15. (S) Strong evidence suggests that former detainee Abdullah Al-Ajmi perpetrated a suicide attack in Mosul, Iraq on April 26, 2008. Interior Minister Shaykh Jaber al-Khaled al-Jaber Al Sabah informed Ambassador that Al-Ajmi had sued successfully in court for the return of his passport, a fact later confirmed by FM Dr. Mohammed. Dr. Mohammad added that the GOK was not planning to send a forensics team to Mosul, but hoped the USG would share the results of any forensics investigation into the attack. Dr. Mohammad also asserted that, following the Mosul attack, all seven remaining returned detainees had surrendered their passports to the GOK authorities (ref H). Subsequently, during his September 18, 2008 meetings in Washington, Prime Minister Nasser Mohammad Al Sabah reiterated Kuwait's desire for its remaining detainees to be released, and committed to the creation of a rehabilitation center for extremists as a mitigating tool against recidivism, and said the Ambassador would be invited to tour it.

16. (S) Absent any movement on the rehabilitation center, the Ambassador in February 2009 called on Interior Minister Shaykh Jaber Al Sabah who reiterated his earlier skepticism that Kuwait could develop an effective rehabilitation center for the remaining four GTMO detainees absent special legislation and/or a manifest of strong political will, neither of which he thought likely (ref I). Shaykh Jaber's

KUWAIT 00000502 003 OF 004

views reflect those of the Deputy Head of the KNG and close advisor and half-brother to the Amir, Shaykh Misha'al (ref E). Also during February, S/WCI Ambassador Clint Williamson clarified to Kuwaiti Ambassador Shaykh Salem that the President's determination to close GTMO did not imply a decrease in security concerns (ref I). He also stressed that the alleged al-Ajmi suicide bombing would complicate the release of the remaining four, who were deemed more dangerous than the previous eight. The Ambassador reinforced these points separately to FM Dr. Mohammad.

Current GOK plan: Rehabilitation Center & Surveillance

17. (C) Following on the FM's unanticipated April 24 announcement to the Secretary (ref B) that Kuwait planned to place the four remaining detainees in a "clinic" within Kuwait's Central Prison, Ambassador Mughames told PolCouns April 29 that construction work on Kuwait's rehabilitation center -- to occupy a portion of the largely abandoned Central Prison -- had recently been completed, that he was prepared to facilitate a visit by U.S. officials to the center, and that the center would be staffed by moderate clerics and trained psychiatrists whose goal would be to return the detainees to a "proper" appreciation of moderate Islam, with the goal of their eventual return to normal

society. The Kuwaiti rehabilitation center, he noted, would be modeled after Riyadh's new Center for Care and Counseling.

Mughames stressed that, as in the Saudi rehabilitation program, families would play a central role in the rehabilitation process, encouraging the rehabilitation of the detainees in the first instance, and then enfolded them and monitoring them (in addition to monitoring and surveillance to be conducted by GOK officials) following their eventual release.

18. (C) According to Mughames, the planned rehabilitation center is designed to accommodate other apprehended extremists as well, including any returned from Iraq or other conflict zones. Mughames downplayed any legal constraints to holding the detainees for the period necessary for their rehabilitation. Evidence against each detainee, he noted, would be subject to an exhaustive judicial review and, he assessed, GOK embarrassment over the Al-Ajmi suicide bombing would sensitize judicial officials to the need to avoid premature release of the detainees. Mughames added that passage of a long-anticipated anti-terrorism law would facilitate the extremists' detention. Mughames suggested that "after a few years" in the rehabilitation center, the former detainees would be released and monitored on a 24-hour basis; the GOK, he asserted, could manage all this on its own.

Comment

19. (S) The announcement by the GOK that its long-awaited rehabilitation center has suddenly come to fruition is somewhat surprising, given earlier GOK official observations and the continual absence of an anti-terrorism law, which we don't foresee being passed any time soon. Our sense is that the GOK has been galvanized by the President's announced plans to close Guantanamo by the end of the year and resultant domestic pressure on the government to bring "their boys" home. It raises concerns, however, that a hurried GOK rehabilitation program might lack the resources necessary to effectively detain and/or mitigate the recidivist behavior of alleged extremists. We note, in addition, that Mughames' assertions conflict with the opinion expressed by Kuwaiti Ambassador to the U.S. Shaykh Salem Al Sabah during a May 2008 meeting with NEA A/S Welch and S/WCI Ambassador Williamson, in which Shaykh Salem said the GOK is technically incapable of providing 24-hour surveillance of all former detainees.

110. (S) Should any or all of the GTMO four be released to GOK custody, we assess -- based on GOK proclivities and political constraints -- that monitoring and/or detention would be on a limited time basis only. Lacking legislative muscle to enforce continued detention, the GOK would likely transfer the "GTMO Four" into the custody of their families. In light of the Al-Ajmi incident, the four would likely surrender their passports, making travel difficult but not impossible. While Mughames (who joined the Foreign Minister's April 24 dinner for the visiting Secretary) is the GOK's front man on the GTMO issue, he has not presented -- in our view -- compelling evidence that Kuwait is ready to detain, try,

KUWAIT 00000502 004 OF 004

monitor, and effectively control dangerous persons who are returned to its custody. Our understanding, in fact, is that the GTMO "talking point" was added at the last minute to the FM's briefing papers. The question will require further exploration, in conjunction with the actual inspection of the rehabilitation center once it is completed. Senior GOK officials, including the Interior Minister, are declining appointments prior to the May 16 parliamentary election and subsequent cabinet reshuffle, but Ambassador will follow up immediately thereafter. End comment.

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